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Albany, New York 12203

In re Application of :
CAMPBELL, Sean J. :
Application No.: 10/556,642 :
PCT No.: PCT/GB04/00628 :
Int. Filing Date: 17 February 2004 :
Priority Date: 14 May 2003 :
Attorney Docket No.: 1324.044 :
For: SCREED COMPRISING RECYCLED :
GLASS WASTE :

DECISION ON PETITION

This decision is issued in response to applicant's "Petition under 37 CFR 1.181 To Withdraw Holding of Abandonment" filed 12 February 2008. No petition fee is required.

BACKGROUND

On 17 February 2004, applicant filed international application PCT/GB04/00628 which claimed a priority date of 14 May 2003. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee was to expire on 14 November 2005.

On 10 November 2005, applicant filed a Transmittal Letter for entry into the national stage accompanied, *inter alia*, by: the requisite basic national fee; a copy of the international application; and a preliminary amendment.

On 20 October 2006, the United States Designated Office (DO/EO/US) mailed a Notification Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a signed oath/declaration of the inventors in compliance with 37 CFR 1.497(a) and (b) together with a surcharge payment were required. The notification set a two-month time limit in which to respond.

On 31 January 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to file a complete response to the Notification of Missing Requirements mailed 20 October 2006 within the time period set therein.

On 12 February 2008, applicant filed the present petition which was accompanied, among other things: a copy of the declaration(s) and power of attorney(s) and a post card receipt dated 15 November 2006.

DISCUSSION

Applicant states in their present petition that a declaration and power of attorney was received at the United States Patent and Trademark Office on 15 November 2006. A review of the present application reveals that the declaration is not located therein. Section 503 of the Manual of Patent Examining Procedure under the heading "RETURN POSTCARD" states, in part:

"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO."

Here, applicant has provided a copy of their date-stamped filing receipt. The receipt identifies the application by applicant, title of invention, serial number, and attorney docket number. The receipt itemizes a declaration of the inventor. The receipt is stamped "Rec'd PCT/PTO 15 November 2006" across its face is sufficient to indicate that the above items were in fact received in the Office on 15 November 2006.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is GRANTED.

This application will be given an international filing date of 17 February 2004 and a date of **15 November 2006** under 35 U.S.C. 371.

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.



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